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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,681	09/05/2003	Jamir Pagnoncelli	03-565	8561
34704	7590	04/21/2004	EXAMINER	
BACHMAN & LAPOINTE, P.C. 900 CHAPEL STREET SUITE 1201 NEW HAVEN, CT 06510			JOHNSON, STEPHEN	
			ART UNIT	PAPER NUMBER
			3641	

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/656,681	Applicant(s) PAGNONCELLI, JAMIR <i>as</i>
	Examiner Stephen M. Johnson	Art Unit 3641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 02 February 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 02 February 2004 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.  
\_\_\_\_\_

1. The drawings are objected to because numerical indicator 23 (page 4, line 19) is not illustrated. The drawings are objected to because fig. 9 contains a lead line without a corresponding numerical indicator. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the special key (see claim 1) must be shown or the feature(s) canceled from the claim(s). **No new matter should be entered.**

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 lacks terminology to indicate where the preamble of the claim ends and the body of the claim begins. Further, claim 1 lacks terminology to indicate whether the claim is intended to be open-ended, close-ended, etc. in nature (e.g. comprising, including, consisting of).

Claim 1, lines 1-2, claims “a plain serrated face of the hammer”. However, this structure is not a portion of the safety device but rather is an integral portion of the gun. In claim 1, lines 2-3, the phrases “the hammer”; “the back”; “the frame”; “the whole movement”; “the round head”; “the safety”; and “the hole” lack antecedents. In claim 1, line 3, a hole in what structure is intended by the phrase “the hole”? In claim 1, lines 4-6, the phrases “the head”; “the prolonged

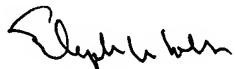
cylindrical body”; and “said base” lack antecedents. In claim 1, line 4, use of the term “bigger diameter” makes the claim indefinite as to a bigger diameter than what other diameter is intended for comparison. In claim 1, line 6, “a hexagonal opening” in what structure is intended? In claim 1, lines 8-9, the phrases “the higher face” and “said cylindrical head” lack antecedents. In claim 1, line 8, use of the phrase “having rounded edges” makes the claim indefinite as to whose rounded edges are intended. In claim 1, line 10, the phrases “the safety positioning system”; and “the hammer” lack antecedents. In claim 1, line 10, what structural item is intended to correspond to term “its”? In claim 1, line 11, whose face is intended by the claimed “internal cylindrical face”? In claim 1, line 12, diametrically opposed to what are intended (locations, sides, faces, ?)? In claim 1, lines 15-16, it is not understood as to how special key (unillustrated) can be located in the lower edge of cylindrical body 5 to turn the safety 180 degrees. In claim 1, line 16, a hole in what structural item is intended by the phrase “a hole”? In claim 1, line 16, a plain recess in what structural item is intended by the phrase “a plain recess”? In claim 1, line 17, the phrases “the radius” and “the stopping pin” lack antecedents. In claim 1, applicant claims a “special key”. It is not understood as to what features of this unillustrated key make it special. Further, it is not understood as to what portion of the safety interacts with the special key to result in a functional device. Please clarify.

4. Claim 1 is too indefinite (see paragraph 3 above) in its current form to make a determination regarding patentable subject matter.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Curry et al., Beretta, Center, Kleinpaul, Doiron, Ducommun, Kuckens et al., and Mauser-Werke Akt.-Ges. disclose state of the art safeties.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Johnson whose telephone number is 703-306-4158. The examiner can normally be reached on Tuesday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 703-306-4198. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-4177.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9326. The fax phone number for after final communications is (703) 872-9327.



STEPHEN M. JOHNSON  
PRIMARY EXAMINER

Stephen M. Johnson  
Primary Examiner  
Art Unit 3641

SMJ